

IAP6 Rec'd PCT/PTO 20 DEC 2006



Attorney File Ref: 102790-186 / 30060 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Philip KRAFT , et al.  
Serial No.: 10/521494  
Filed: 18.Jan.2005  
Examiner: -- to be assigned --  
Art Group: -- to be assigned --  
Title: **FRAGRANCE COMPOSITION**

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Mail Stop: PETITION  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Arlington, VA 22313-1450

Dear Sir;

**PETITION TO THE COMMISSIONER**

This paper is responsive to recently issued *Notification of Abandonment* dated 06.Nov.2006 which the undersigned lately received from the USPTO

It is believed that the above document was clearly, erroneously issued in view of the favorable *Decision on Renewed Petition under 37 CFR 1.47* dated 13.Jul.2006 which recognized as timely filed the two *Combined Oath, Declaration and Power of Attorney* documents filed on 09.June.2006 by the undersigned as being in compliance with the requirements of the *Notification of Missing Requirements under 35 USC 371 in the United States Designated/Elected Office*.

Enclosed please find copies of each of the foregoing documents for review by the Commissioner.

It is believed that the above clearly establishes that the current application is and remains pending, notwithstanding the issuance of the issued *Notification of Abandonment* dated 06.Nov.2006.

The undersigned respectfully requests recognition that the current application is and remains pending, and that the issued *Notification of Abandonment* dated 06.Nov.2006 be withdrawn.

Favorable consideration of this *Petition*, and return to the normal course of prosecution is also respectfully requested.

Authorization to Charge USPTO Deposit Account

Please charge any necessary *Petition* fee, as well as any further fees which may be required to ensure consideration and entry of this paper and enclosures thereto to USPTO Deposit Account 14-1263 in the name of Norris, McLaughlin & Marcus, P.A.

However, as it is believed that the basis of this *Petition* is clearly due to the error of the USPTO, it is not believed that any fee should be charged.

Should the Office believe that telephonic communication would advance the prosecution of the instant application, or should there by any question concerning this paper, the Office is invited to telephone the undersigned at the number given below.

Respectfully Submitted;

Andrew N. Parfomak

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12 December 2006

Date:

Enclosures – as indicated

CERTIFICATE OF MAILING

I certify that this document, and any attachments thereto, is being deposited with the US Postal Service with sufficient postage as US Postal Service First Class Mail on the date indicated below and is addressed to the: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450."

Kimberly Brittingham  
Kimberly Brittingham

12/12/06

Date



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.	
10/521,494	Philip Kraft	102790-186(30060) <i>ANP</i>	
		INTERNATIONAL APPLICATION NO.	
		PCT/CH03/00466	
		LA. FILING DATE	PRIORITY DATE
		07/11/2003	07/20/2002
CONFIRMATION NO. 2007			
371			
ABANDONMENT/TERMINATION			
LETTER			
*OC000000021132837*			

Date Mailed: 11/06/2006

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 08/19/2005 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

TAMALA D HOLLAND

Telephone: (703) 308-9140 EXT 209

## PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)



UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 20 2006  
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13 JUL 2006

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[www.uspto.gov](http://www.uspto.gov)

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New York, NY 10022

In re Application of:  
KRAFT, Phillip, et al. :  
U.S. Application No.: 10/521,494 :  
PCT No.: PCT/CH03/00466 :  
International Filing Date: 11 July 2003 :  
Priority Date: 20 July 2002 :  
Attorney's Docket No.: 102790-186 (30060) *ANP* :  
For: FRAGRANCE COMPOSITION :

DECISION ON RENEWED  
PETITION UNDER  
37 CFR 1.47(a)

In a decision mailed by this Office on 28 March 2006, applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of co-applicant Riccardo CADALBERT was dismissed without prejudice for failure to satisfy the requirements of a grantable petition.

On 13 June 2006, applicants filed the renewed petition considered herein (with required one-month extension fee). The renewed petition includes an acceptable declaration executed by the previously non-signing inventor Riccardo CADALBERT; applicants had previously submitted a declaration executed by other applicant of record, Phillip KRAFT. Applicants have therefore now submitted acceptable declarations from each of the applicants herein. Accordingly, the petition under 37 CFR 1.47(a) is **MOOT**.

This application is being forwarded to the National Stage Processing Branch of the PCT Operations Division for further processing in accord with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 13 June 2006.

*rrr*

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